

1 REMARKS

2 A review of the claims indicates that:

3 A) Claims 12, 15—18, 22—26, 32, 33, 35 and 36 remain in their
4 original form.

5 B) Claims 1—10, 13, 19, 21, 27, 28, 30, 31 and 34 are previously
6 presented.

7 C) Claims 14, 20 and 29 are cancelled.

8 D) Claims 11, 13 currently amended.

9 In view of the following remarks, Applicant respectfully requests
10 reconsideration of the rejected claims and withdrawal of the rejections.
11 Alternatively, the Applicant would welcome the opportunity to speak with the
12 Examiner concerning the claims and prior art, and work together to advance
13 prosecution.

14 Specification

15 The Examiner objected to the Specification. It is believed that the
16 amendments have resolved this issue. If not, please feel free to call so that we
17 may resolve the matter.

18 Traversal of the §103 Rejections

19 Claims 1-13, 15-19, 21-28 and 30-36—including independent claims 1, 11,
20 19, 27 and 31—were rejected under Section 103(a) as being unpatentable over
21 “McManis” (US 5,970,145) in view of “Abadi” (US 7,203,833). The Applicant
22 respectfully traverses the rejection using Section 103(c).

1 **Traversal of Rejections Based on Section 103(c)**

2 The Applicant notes that all of the independent claims were rejected under
3 Section 103 based in part on the Abadi reference, which is assigned to Microsoft
4 Corporation. The Applicant respectfully directs the Office to 35 U.S.C. § 103(c),
5 which states: Subject matter developed by another person, which qualifies as prior
6 art only under one or more of subsections (e), (f), and (g) of section 102 of this
7 title, shall not preclude patentability under this section where the subject matter
8 and the claimed invention were, at the time the claimed invention was made,
9 owned by the same person or subject to an obligation of assignment to the same
10 person.

11 The Abadi reference is assigned to Microsoft (Reel/Frame 013832/0309,
12 recordation date 03/12/2003) and has a filing date of 12/23/2002. The present
13 application is also assigned to Microsoft Corporation at (Reel/Frame 015040/0513,
14 recordation date 03/01/2004) and has a filing date of 03/01/2004. Therefore, the
15 present application and Abadi were, at the time the invention of the present
16 application was made, owned by Microsoft Corporation.

17 Moreover, Abadi is unavailable as prior art under Sections 102(a) and/or
18 102(b) in view of its failure to publish before the filing of the instant application.
19 Accordingly, Abadi is subject to removal from a Section 103 rejection by Section
20 103(c).

21 The following statement is made pursuant to MPEP § 706(II).

22 MPEP §706.02(II)—Statement of evidence to establish common ownership

23 Applications and references (whether patents, patent applications, patent
24 application publications, etc.) will be considered by the examiner to be owned by,

1 or subject to an obligation of assignment to the same person, at the time the
2 invention was made, if the applicant(s) or an attorney or agent of record makes a
3 statement to the effect that the application and the reference were, at the time the
4 invention was made, owned by, or subject to an obligation of assignment to, the
5 same person.

6 In this case, the Applicant's attorney does, in fact, hereby make the
7 statement that this application and the reference were, at the time the invention of
8 the application was made, owned by, or subject to an obligation of assignment to,
9 the same person (i.e. Microsoft Corporation).

10 In view of the above, it is respectfully requested that the rejection be
11 withdrawn, and that claims 1-13, 15-19, 21-28 and 30-36 be allowed to issue.

12 **Amendment of Claim 11**

13 In the interests of promoting prosecution of this application, the Applicant
14 has made some amendments to Claim 11. The Applicant invites the Examiner to
15 call the undersigned representative, and to discuss Claim 11 (and the other claims)
16 in view of the prior art to resolve any issues preventing allowance of the current
17 and/or amended claims.

18 **Conclusion**

19 The Applicant submits that all of the claims are in condition for allowance
20 and respectfully requests that a Notice of Allowability be issued. If the Office's
21 next anticipated action is not the issuance of a Notice of Allowability, the
22 Applicant respectfully requests that the undersigned attorney be contacted for the
23 purpose of scheduling an interview.

24 Respectfully Submitted,
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2 Dated: 08 October 2008

By: /David S. Thompson/

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